



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/398,987 09/17/99 MAMMEL

A

EXAMINER

PM82/0406

JAMES L BAUDINO ESQ
BAKER & BOTTS LLP
2001 ROSS AVENUE
DALLAS TX 75201-2980

ROWAN, K

ART UNIT

PAPER NUMBER

3643

DATE MAILED:

04/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/398,987

Applicant(s)
MAMMEL

Examiner
Kurt Rowan

Group Art Unit
3643



☒ Responsive to communication(s) filed on Jan 26, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 10-22, 40, and 41 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 10-22, 40, and 41 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 10, 11

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3643

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Election/Restriction

2. Applicant's election with traverse of Group II in Paper No. 12 is acknowledged. The traversal is on the ground(s) that the groups are not distinct from each other. This is not found persuasive because a fish attractor with a hook having a gap and a line with a sliding loop is distinct from a fishing line having a sliding loop since the sliding loop can be used with other fish attractors such as without a gap between the eye and the shank.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3643

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by The Uni-Knot.

The Uni-Knot shows a fishing line having a first end and a sliding loop formed on the first end of the line for engaging the line with a fishing device. The diameter of the Uni-Knot can be increased and decreased.

5. Claims 10, 11, 14, 22, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by PRESENTING THE FLY George Harvey dry-fly knot.

The George Harvey dry-fly knot shows a fishing line and a sliding loop formed on a first end of the fishing line for releasably engaging the fishing line with a fishing device. The Harvey dry-fly knot can be increased and decreased in diameter. The Harvey dry-fly knot shows all of the structure recited in claim 41 noting that the first end of the fishing line which is the free end wraps through the first and second loops and around the central portion of the fishing line but in a different order than the instant invention. However, this order is not recited in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3643

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Uni-Knot.

The Uni-Knot has been discussed above and is shown with a fishing line. However, it would have been obvious to tie the knot with a leader or tippet since the function is the same. The examiner takes Official Notice that leaders and tippets are old and well known in the art and that knotting both is also well known to attach them the fishing line. In reference to claim 17, the Uni-Knot does not disclose disengaging the fishing line and the fishing device without untying the sliding loop. However, since the Uni-Knot is a sliding knot, it would have been obvious to employ the Uni-Knot to disengage the fishing line from a fishing device without untying the sliding loop for the purpose of attaching another hook and/or lure to the line using the loop.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the George Harvey dry-fly knot.

The George Harvey dry-fly knot has been discussed above but does not disclose disengaging the fishing line and the fishing device without untying the sliding loop. However, in reference to claim 17, it would have been obvious to employ the George Harvey dry-fly knot which is a sliding loop knot to disengage the fishing line from the fishing device without untying the knot for the purpose of attaching another fishing device such as another dry fly without having to tie another knot.

Art Unit: 3643

9. Claims 13, 16, 19, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over PRESENTING THE FLY George Harvey dry-fly knot as applied to claims 10, 17, above, and further in view of Smith for substantially the same reasons stated in the first Office Action.

The patent to Smith shows a fishing lure 20-21 attached to a body 10 by a leader 18 having fixed loops 17, 19. The body 10 is connected to another leader 28 by a fixed loop 27 and the opposite end of the leader has another fixed loop 29. The PRESENTING THE FLY George Harvey dry-fly knot has been discussed above. In reference to claims 13, 19, the George Harvey knot does not show a second end of the fishing line having a fixed loop. However, it would have been obvious to provide the George Harvey knot with a fixed loop as shown by Smith to attach other fishing tackle such as a casting weight. In reference to claims 16, 21, Smith shows fixed loops on the second end of the first section and the first end of the second section.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over PRESENTING THE FLY George Harvey dry-fly knot as applied to claim 10 above, and further in view of Martuch.

The George Harvey dry-fly knot has been discussed above. The patent to Martuch shows a fly line connected to a leader 1 which is connected to a tippet 3 by knots 2, 5. In reference to claim 15, it would have been obvious to employ the George Harvey dry-fly knot with a tippet and leader connected to a fly line as shown by Martuch since merely the substitution of one knot for another is contemplated.

Art Unit: 3643

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over PRESENTING THE FLY George Harvey dry-fly knot as applied to claim 17 above, and further in view of The Uni-Knot.

The Uni-Knot and the George Harvey dry-fly knot have been discussed above. In reference to claim 18, the George Harvey dry-fly knot does not show wrapping the first end of the line around the central portion of the fishing line before wrapping the free end through the first and second loops. However, The Uni-Knot shows wrapping the first end of a fishing line around a central portion of the fishing line in addition to forming a loop and winding the first end of the line through the loop. It would have been obvious to provide the George Harvey knot with wrapping the first end of the line around the central portion of the line as shown by The Uni-Knot to further connect the loop to the central portion of the fishing line.

12. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Flye, Jr. as applied to claim 11 above, and further in view of “Uni-Knot”.

The patent to Flye shows a fishing line having a first section 14 and a second section 10, each having first and second ends. Flye shows a fixed loop 12 at a first end of the second section and a fixed loop 13 at the second end of the first section. Flye shows a knot at the second end of the first section to hold the hook. It is not clear if the knot slides or not. At any rate it would have been obvious to provide Flye with the sliding “Uni-Knot” for the purpose of changing the hook without untying the knot.

Art Unit: 3643

Response to Amendment

13. The declaration filed on Jan. 26, 2001 under 37 CFR 1.131 has been considered but is ineffective to overcome the Uni-Knot reference.

14. The Uni-Knot reference is a statutory bar under 35 U.S.C. 102(b) and thus cannot be overcome by an affidavit or declaration under 37 CFR 1.131.

15. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Harvey reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Applicant has not shown any facts that the present invention was conceived prior to Harvey.

Response to Arguments

16. Applicant's arguments filed Jan. 26, 2001 have been fully considered but they are not persuasive. While the Uni-Knot shows running the line through the eye of the hook, this does not keep the knot from sliding. The Uni-Knot teaches a sliding loop which may be used to releasably engage a fishing line with a fishing device. Harvey as well teaches a sliding loop knot. The fact that the line is inserted through the eye of a fish hook does not preclude the knot from sliding. Harvey wraps the line around the central portion of the fishing line after the loops are formed and

Art Unit: 3643

before the line is passed through the first and second loops. In regard to claims 13, 14, 16, Smith shows a line with a knot at each end. Both are fixed knots, but it would have been obvious to employ a sliding loop knot such as the Harvey dry-fly knot to either end of the line to change the weight for a larger or smaller one or change the hook. Smith is not cited to show a sliding loop knot. Harvey and the "Uni-Knot" are sliding loop knots. In regard to claim 18 Harvey shows wrapping the first end of the fishing line through the first and second loops and around a central portion of the fishing line.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3643

18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



KURT ROWAN

PRIMARY EXAMINER

ART UNIT 3643

April 5, 2001